

H.C.R. 2, In memory of Richard Graves MacBeth.

S.J.R. 4, Proposing a constitutional amendment providing for the authorization for issuance of general obligation bonds for acquiring, constructing, or equipping new corrections institutions, mental health and mental retardation institutions, and youth corrections institutions and for major repair or renovation of existing facilities of those institutions. (As substituted and amended)

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Glasgow submitted the following report for the Committee on State Affairs:

C.S.S.B. 7

C.S.S.B. 22

CONGRATULATORY RESOLUTIONS

S.R. 39 - By Turner: Recognizing Michael Urbanovsky of the West Harris County 4-H Club for placing third at the State 4-H Horse Judging Contest.

S.R. 40 - By Turner: Extending congratulations to Teri Felts of the West Harris County 4-H Club who recently placed third at the State 4-H Horse Judging Contest.

S.R. 41 - By Turner: Extending congratulations to Heather Kutya of the West Harris County 4-H Club for placing third at the State 4-H Horse Judging Contest.

S.R. 42 - By Glasgow: Recognizing Mr. Adyth "Nick" Kerr, Deputy Superintendent of Schools, on his retirement after 34 years of service in the Burleson Independent School District.

S.R. 43 - By Glasgow: Commending Mr. Byron Black, President of the Burleson Independent School District Board of Trustees, for his 12 years of distinguished service to the people of his district.

S.R. 44 - By Harris of Tarrant: Recognizing Dr. James T. Draper, Jr., for his recent selection as President of the Baptist Sunday School Board in Nashville, Tennessee, and for his loyal service as Pastor of the First Baptist Church of Euless.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 5:04 p.m. adjourned until 9:30 a.m. tomorrow.

SEVENTH DAY

(Tuesday, July 23, 1991)

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley,

Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Kathryn Edwards, Hyde Park United Methodist Church, Austin, offered the invocation as follows:

Almighty God, our creator and sustainer, we confess that we have come short of Your potential for us. We confess the hatred which divides race against race, class against class. Forgive us and give us the desire to reconcile neighbor with neighbor. We confess the greed which causes some to suffer indignity and poverty while others profit and ignore the cost to the worker and the environment. We confess the pride which leads us to trust in ourselves and not in You. We confess the indifference to the plight of the homeless and the refugee. Forgive us these and other secrets we hold in our hearts.

God, You never built a monument or a temple or a capitol building, but You gave us the intelligence and materials to do it ourselves. You never put forward a bill, but You gave us minds with which to think and hands with which to write. You never demanded taxes, but You told us to struggle for justice for those unable to help themselves. You never built a school, but You gave us wood and metal and marble and skill to do it ourselves. Your work will be done in behalf of our brothers and sisters. Put us completely under Your influence so that our minds may think Your thoughts, Your work be done with our hands.

Give Your servants the vision to ask the hard questions and the courage to pursue the tough answers. I ask for Your wisdom tempered with love to be showered upon this Body. Let justice, equality, harmony and equilibrium prevail.

In the name of Abraham and Sarah, Moses and Jesus. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 11

On motion of Senator Brooks and by unanimous consent, Senator Bivins will be shown as Co-author of S.B. 11.

CO-AUTHORS OF SENATE BILL 72

On motion of Senator Brooks and by unanimous consent, Senators Johnson and Krier will be shown as Co-authors of S.B. 72.

MESSAGE FROM THE HOUSE

House Chamber
July 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.J.R. 10, Proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 8 by Barrientos Administration
Granting Christopher, Susan, and Nathaniel Eakle permission to sue the State of Texas and the Texas Department of Human Services.

S.B. 73 by Haley Finance
Relating to the regulation and operation of proprietary schools; providing penalties.

S.B. 74 by Harris of Tarrant Jurisprudence
Relating to the creation of municipal courts of record in Bedford.

S.B. 75 by Haley Jurisprudence
Relating to the application of the professional prosecutors law to certain prosecutors and to the powers and duties of certain prosecutors covered by that law.

S.B. 76 by Green Jurisprudence
Relating to the creation of additional judicial districts; creating the office of relief judge of Harris County.

S.B. 77 by Sims State Affairs
Relating to the duties of the comptroller of public accounts.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.J.R. 10, To Committee on State Affairs.

SENATE RESOLUTION 46

Senator Brooks offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to commend the Honorable Lloyd Bentsen for his superb representation of his fellow Texans during the recent Congressional debate over the National Highway Trust Fund; and

WHEREAS, Due to his persevering and diligent efforts, the United States Senate has passed a bill that would grant the State of Texas almost \$6 billion in federal highway funds over the next five years and provide a dollar-for-dollar return on the money the state's taxpayers pay in federal gasoline taxes; and

WHEREAS, Since the interstate highway system was established in 1956, Texas has been consistently shortchanged in the amount of funds returned from the federal government for highway purposes; effectively subsidizing states without substantial gasoline tax revenues, Texas received as little as 54 cents on each dollar that Texans paid into the Highway Trust Fund in federal motor fuel taxes; and

WHEREAS, An outspoken critic of this formula that penalized Texas to the benefit of Northeastern states, Senator Bentsen successfully led the effort in 1982 that ensured that each state would get back at least 85 percent of the funds it contributed in federal fuel taxes; and

WHEREAS, During the recent debates in Washington, Senator Bentsen was a skillful negotiator on behalf of the so-called donor states and repelled efforts to reduce Texas' share of the National Highway Trust Fund; and

WHEREAS, The money coming back into Texas will enable the State Department of Highways and Public Transportation to complete projects that were in doubt as a result of a projected shortfall in revenue; and

WHEREAS, Born in the Rio Grande Valley, Senator Bentsen reached the pinnacle of his successful business career in Houston; and

WHEREAS, During his admirable work on behalf of the public good, Senator Bentsen has retained strong ties to both locations; and

WHEREAS, His prodigious efforts on behalf of Texas' highway system have enhanced his already stellar reputation among his fellow Texans for honorable service on their behalf; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, 1st Called Session, hereby encourage that appropriate steps be taken by the State Department of Highways and Public Transportation to name U.S. Highway 59 from Laredo to Houston in Senator Bentsen's honor as a fitting tribute to his tenacious pursuit of rightful benefits long denied the State of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Bentsen as an expression of deepest gratitude from the Texas Senate; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the State Department of Highways and Public Transportation as an expression of sentiment from the Texas Senate.

The resolution was read.

On motion of Senator Haley and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks, the resolution was adopted by a viva voce vote.

SENATE JOINT RESOLUTION 4 WITH HOUSE AMENDMENTS

Senator Lyon called S.J.R. 4 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the House amendments before the Senate.

Committee Amendment - Oliveira

Amend S.J.R. 4 by substituting the following:

SENATE JOINT RESOLUTION

proposing a constitutional amendment providing for the authorization for issuance of general obligation bonds for acquiring, constructing, or equipping new corrections institutions, mental health and mental retardation institutions, and youth corrections institutions and for major repair or renovation of existing facilities of those institutions.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Section 49-h, of the Texas Constitution is amended by adding Subsection (d) to read as follows:

(d)(1) The legislature may authorize the issuance of up to \$440 million in general obligation bonds, in addition to the amounts authorized by Subsections (a) and (c) of this section, and may use the proceeds of the bonds for acquiring, constructing, or equipping new corrections institutions, mental health and mental retardation institutions, and youth corrections institutions and for major repair or renovation of existing facilities of those institutions.

(2) The provisions of Subsection (a) of this section relating to the review and approval of bonds and the provisions of Subsection (b) of this section relating to the status of the bonds as a general obligation of the state and to the manner in which the principal and interest on the bonds are paid apply to bonds authorized under this subsection.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1991. The ballot shall be printed

to provide for voting for or against the proposition: "The constitutional amendment authorizing the issuance of general obligation bonds for acquiring, constructing, or equipping new corrections institutions, mental health and mental retardation institutions, and youth corrections institutions and for major repair or renovation of existing facilities of those institutions."

Floor Amendment - Greenberg

Amend C.S.S.J.R. 4 as follows:

On page 2, after line 5, between "bonds" and "for" insert "of up to \$440 million".

The amendments were read.

Senator Lyon moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.J.R. 4 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the resolution: Senators Lyon, Chair; Whitmire, Ellis, Moncrief, Glasgow.

**COMMITTEE SUBSTITUTE
SENATE BILL 3 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 3, Relating to state and local government finances, including the administration, management, use, payment, expenditure, transfer, receipt, and collection of certain state and local funds and revenue, and the authority of certain state agencies to issue bonds and make certain expenditures.

The bill was read second time.

(Senator Parker in Chair)

(President in Chair)

(Senator Turner in Chair)

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 3 as follows:

On pages 23-24, delete ARTICLE 18 and substitute the following:

ARTICLE 18

SECTION 18.01. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.021 to read as follows:

Sec. 403.021. CERTIFICATION OF COMPLIANCE WITH SPENDING LIMIT. (a) A bill containing an appropriation may not be certified by the comptroller under Article III, Section 49a, of the Texas Constitution and may not be considered as passed or sent to the governor for consideration if the comptroller

determines that the amount appropriated in the bill, together with other appropriations for the same biennium, exceeds the spending limit established for the biennium under Subchapter A, Chapter 316, unless the legislature has adopted a resolution under Article VIII, Section 22(b), of the Texas Constitution raising the proposed limit on appropriations.

(b) The comptroller shall return a bill that the comptroller determines may not be considered as passed under Subsection (a) to the house of the legislature in which the bill originated, together with a statement of the reasons for which the bill may not be considered as passed under Subsection (a).

SECTION 18.02. Subchapter A, Chapter 316, Government Code, is amended by adding Section 316.008(c) to read as follows:

(c) For purposes of adopting a resolution under Article VIII, Section 22(b), of the Texas Constitution raising the proposed limit on appropriations, the proposed limit on appropriations is equal to zero if the Legislative Budget Board failed to approve the items of information required by Section 316.002.

SECTION 18.03. This article takes effect January 1, 1992.

The amendment was read.

Senator Krier offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to C.S.S.B. 3 by striking SECTION 18.03 of the amendment and substituting the following:

SECTION 18.03. This article takes effect immediately.

The amendment was read.

(President in Chair)

On motion of Senator Montford, the amendment was tabled by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Lcedom, Sibley.

Question recurring on the adoption of Floor Amendment No. 1, the amendment was adopted by a viva voce vote.

(Senator Haley in Chair)

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 3 by striking the language in Article 8 (page 6, lines 27 through 57) and substituting in lieu thereof the following:

SECTION 8.01. Subsection (a), Section 9c, Texas Unemployment Compensation Act (Article 5221b-7c, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Advance Interest Trust Fund is established. The fund is a trust fund in the custody of the State Treasurer and may be used without appropriation by the Governor for the purpose of paying interest incurred on advances from the federal Unemployment Trust Fund, incurred on any bonds issued to reduce or avoid federal advances to the unemployment compensation fund, and to repay temporary

transfers of surplus cash which may be made between this fund and other funds. The State Treasurer and the Comptroller shall transfer all income earned after September 1, 1988, [Income] from investment of the fund [shall be deposited] to the Unemployment Compensation Special Administration Fund for the administration of the pay day law (Article 5155, Revised Statutes), the Texas Minimum Wage Act (Article 5159d, Vernon's Texas Civil Statutes), and the child labor law, Chapter 531, Acts of the 67th Legislature, Regular Session, 1981 (Article 5181.1, Vernon's Texas Civil Statutes) [credit of the fund]. [If the amount of the fund exceeds the amount required to pay interest incurred on advances and on any bonds issued to reduce or avoid federal advances to the unemployment compensation fund, the Governor shall transfer all or part of the surplus to the unemployment compensation fund for the payment of benefits.] If the Governor, upon the advice of the Commission, determines that funds in the unemployment compensation fund will be depleted at the time payment on an advance from the federal Unemployment Trust Fund is due, and that depletion of the funds will cause the loss of some portion of the credit received by employers against their federal unemployment tax rate, or if the Governor determines that payment of interest on a federal loan can be avoided by keeping the balance of the unemployment compensation fund positive, the Governor may authorize the Commission to transfer money from the Advance Interest Trust Fund to the unemployment compensation fund.

The amendment was read and was adopted by a viva voce vote.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 3 by striking Article 11 and substituting a new Article 11 to read as follows:

ARTICLE 11

SECTION 11.01. DEFINITIONS. In this article:

- (1) "Board" means the Texas Water Development Board.
- (2) "Master contract" means the master contract between Red Bluff District and member districts dated March 8, 1934.
- (3) "Member district" means any one of the seven member districts of Red Bluff District, which are:
 - (A) Loving County Water Improvement District No. One;
 - (B) Reeves County Water Improvement District No. Two;
 - (C) Ward County Water Improvement District No. Three;
 - (D) Ward County Irrigation District Number One;
 - (E) Ward County Water Improvement District No. Two;
 - (F) Pecos County Water Improvement District No. Two; and
 - (G) Pecos County Water Improvement District No. Three.
- (4) "Pecos River compact account" means the special account in the water assistance fund of the board created under Section 15.702, Water Code.
- (5) "Principal amount" means the amount of \$13.8 million, representing the amount received by the state by order of the United States Supreme Court in the case of Texas v. New Mexico (58 U.S.L.W. 3543) and deposited to the credit of the Pecos River compact account.

(6) "Red Bluff District" means the Red Bluff Water Power Control District, a water power control district created under Chapter 76, General Laws, Acts of the 43rd Legislature, Regular Session, 1933 (Article 7807d, Vernon's Texas Civil Statutes).

(7) "Distribution date" means the date of the distribution of funds held in the Pecos River compact account from the board to Red Bluff District under this article.

SECTION 11.02. DISTRIBUTION OF FUNDS BY BOARD. Notwithstanding the provisions of any other law, the board shall promptly distribute all funds, including the principal amount and all accrued interest, in the Pecos River compact account to Red Bluff District.

SECTION 11.03. USE OF FUNDS. The funds received by Red Bluff District under this article, together with any interest earned on the funds, shall be used by Red Bluff District or a member district only for agricultural or irrigation projects, including associated water quality improvement projects that affect surface water irrigators in the counties of Loving, Ward, Reeves, and Pecos. The projects may include the operation of the Red Bluff District or a member district and the maintenance of the water supply reservoirs, associated downstream diversion facilities, and internal distribution systems of the Red Bluff District or a member district.

SECTION 11.04. DISTRIBUTION OF FUNDS BY RED BLUFF DISTRICT. (a) Interest earned on the principal amount shall be allocated:

(1) one-third to Red Bluff District; and

(2) two-thirds to member districts, to be allocated among the member districts in the same percentages as each member district's pro rata share of water under the master contract.

(b) On receipt of funds from the board under this article, Red Bluff District shall promptly distribute interest earned on the principal amount as of the distribution date in accordance with Subsection (a) of this section.

(c) Red Bluff District shall invest the principal amount in accordance with the Public Funds Investment Act of 1987 (Article 842a-2, Vernon's Texas Civil Statutes). Red Bluff District shall comply with the Public Funds Collateral Act (Article 2529d, Vernon's Texas Civil Statutes) to the extent applicable.

(d) Interest earned on the principal amount after the distribution date shall be distributed by Red Bluff District annually in accordance with Subsection (a) of this section.

(e) Red Bluff District may not spend any portion of the principal amount unless an affirmative vote in favor of the expenditure is received from:

(1) the board of directors of Red Bluff District; and

(2) the boards of directors of at least five of the member districts.

SECTION 11.05. ANNUAL ACCOUNTING. Red Bluff District shall provide an annual accounting of its administration of funds under this article and of the amount of interest earned to each member district and the board.

SECTION 11.06. REPEALER. Effective January 1, 1992, Subchapter K, Chapter 15, Water Code, is repealed.

SECTION 11.07. CONFORMING AMENDMENT. Effective January 1, 1992, Section 15.011(b), Water Code, is amended to read as follows:

(b) After notice and hearing and subject to any limitations established by the General Appropriations Act, the board may transfer money from the fund to the loan fund created under Subchapter C of this chapter, the storage acquisition fund created under Subchapter E of this chapter, and the research and planning fund created under Subchapter F of this chapter, and the Pecos River compact account created under Subchapter K of this chapter].

SECTION 11.08. CONFORMING AMENDMENT. Effective January 1, 1992, Section 15.012(c), Water Code, is amended to read as follows:

(c) Money appropriated to the fund by the legislature for a specific purpose stated in Subchapter C, E, or F, ~~or K~~ of this chapter shall be placed in the appropriate fund ~~[or account]~~ created by that subchapter.

SECTION 11.09. EFFECTIVE DATE. This article takes effect December 1, 1991, except that a section of this article that expressly provides an effective date for the section takes effect on that date.

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 3 as follows:

(1) On page 12, lines 40 and 41, between "comptroller" and "may", insert "with the concurrence of the treasurer."

(2) On page 12, line 48, between "comptroller" and "may", insert "with the concurrence of the treasurer".

(3) On page 12, line 57, between "comptroller" and "shall", insert "with the concurrence of the treasurer".

The amendment was read and was adopted by a viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.S.B. 3 by striking all of Article 10 of the bill and substituting the following:

ARTICLE 10

SECTION 10.01. The Texas Internal Auditing Act (Article 6252-5d, Vernon's Texas Civil Statutes) is repealed.

The amendment was read and was adopted by a viva voce vote.

(President in Chair)

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.S.B. 3 by adding at the end of Sec. 3A in Section 14.11 the following: The issuance must be accomplished by an office or a division other than the office or division that reviews and comments on the bond issues.

The amendment was read.

On motion of Senator Brooks and by unanimous consent, the amendment was withdrawn.

(Senator Turner in Chair)

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.S.B. 3 by adding at the end of Sec. 3A in Section 14.11 the following: The issuance must be accomplished by an office or a division of the Board other than the office or division that reviews and comments on the bond issues.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Question—Shall the bill be passed to engrossment?

GUESTS PRESENTED

Senator Rosson was recognized and introduced a delegation from the House of Representatives of Chihuahua: Rodolfo Acosta Munoz, Speaker; Victor Valencia de los Santos, Luis Parra Orozco, Juan Beltran Nunez, Antonio Becerra Gaytan and Antonio Morales; and Licenciado Alejandro Siqueiros, Representative of the Consul General; and Antonio Rodriguez, Reporter.

These guests were accompanied by Representative Paul Moreno.

The Senate extended a warm welcome to these distinguished guests.

MESSAGE FROM THE HOUSE

House Chamber
July 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 9, Relating to the escheat of certain funds paid under a prepaid funeral contract.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

Question—Shall C.S.S.B. 3 be passed to engrossment?

(Senator Moncrief occupied the Chair during discussion of C.S.S.B. 3)

(Senator Turner in Chair)

(Senator Armbrister in Chair)

(Senator Moncrief in Chair)

Question—Shall C.S.S.B. 3 be passed to engrossment?

MESSAGE FROM THE HOUSE

House Chamber
July 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 24, Relating to the efficient operation of the institutional division of the Texas Department of Criminal Justice, including the parole of special needs offenders, the provision of services and facilities to the institutional division by private vendors, and issuance of general obligation bonds for acquiring, constructing, or equipping corrections institutions. (As substituted and amended)

H.B. 9, Relating to the regulation, construction, financing, and use of highways, rail facilities, airports, and other facilities for public transportation, including the regulation of private vehicles operated on highways.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

Question—Shall C.S.S.B. 3 be passed to engrossment?

(Senator Green occupied the Chair during discussion of C.S.S.B. 3)

(Senator Sibley in Chair)

(Senator Sims in Chair)

(Senator Truan in Chair)

(Senator Armbrister in Chair)

Question—Shall C.S.S.B. 3 be passed to engrossment?

MESSAGE FROM THE HOUSE

House Chamber
July 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 6, Relating to the regulation of insurance and the powers and duties of the Texas Department of Insurance.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

Question—Shall C.S.S.B. 3 be passed to engrossment?

(Senator Haley occupied the Chair during discussion of C.S.S.B. 3)

(Senator Whitmire in Chair)

(Senator Green in Chair)

(Senator Sims in Chair)

Question—Shall C.S.S.B. 3 be passed to engrossment?

MESSAGE FROM THE HOUSE

House Chamber
July 23, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.J.R. 1, Proposing a constitutional amendment relating to the use of certain income from permanent school fund property for maintaining the support of public education.

H.B. 78, Relating to the continuation, functions, and change of the name of the State Purchasing and General Services Commission, the transfer of responsibility for architectural barrier programs from the commission to the Texas Department of Licensing and Regulation, the transfer of responsibility for the personal property accounting system from the commission to the comptroller, and the acquisition by the commission and other entities of property and services; providing penalties.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

Question—Shall C.S.S.B. 3 be passed to engrossment?

Senator Sims occupied the Chair during discussion of C.S.S.B. 3)

(Senator Armbrister in Chair)

POINT OF ORDER

Senator Parker raised a Point of Order that Senator Krier's discussion was not germane to the bill.

The Presiding Officer ruled that the Point of Order was sustained and stated to Senator Krier that this was her first warning.

(President in Chair)

Question—Shall C.S.S.B. 3 be passed to engrossment?

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Krier asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 3 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Harris of Dallas, Henderson, Krier, Sibley.

Absent: Leedom.

The bill was read third time.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 9

Amend C.S.B. 3 as follows:

(1) In SECTION 14.02, Subsection (b), Section 55.13, Education Code (committee printing page 15, lines 25 and 26), strike "other than those within The University of Texas System or The Texas A&M University System."

(2) In SECTION 14.02, Subsection (b), Section 55.13, Education Code (committee printing page 15, line 34), after "chapter.", add "This subsection does not apply to The University of Texas System, The Texas A&M University System, or a component of those systems or to bonds authorized to be issued by The University of Texas System, The Texas A&M University System, or a component of those systems."

(3) In SECTION 14.11, Section 3A, Article 717k-7, Vernon's Texas Civil Statutes (committee printing page 17, lines 44-46), strike "other than The University of Texas System and The Texas A&M University System."

(4) In SECTION 14.11, Section 3A, Article 717k-7, Vernon's Texas Civil Statutes (committee printing page 17, line 54), after "entity.", add "This subsection does not apply to The University of Texas System, The Texas A&M University System, or a component of those systems or to bonds authorized to be issued by The University of Texas System, The Texas A&M University System, or a component of those systems."

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 29, Nays 1.

Nays: Krier.

Absent: Leedom.

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 78 by Ellis Criminal Justice
Relating to drug-free zones and to the imposition of penalties for the delivery, manufacture, or possession with the intent to deliver or manufacture a controlled substance in drug-free zones.

S.B. 79 by Glasgow Administration
Relating to the apportionment of the state into State Board of Education districts

S.B. 80 by Haley Administration
Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 72nd Legislature, Regular Session, to other Acts of that legislature.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.J.R. 1, To Committee on Finance.
H.B. 6, To Committee on State Affairs.
H.B. 9, To Committee on State Affairs.
H.B. 78, To Committee on Administration.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Glasgow and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs might consider the following bills tomorrow:

H.B. 6
H.B. 9

SENATE RULE 11.11 SUSPENDED

On motion of Senator Haley and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might consider H.B. 78 tomorrow.

MEMORIAL RESOLUTION

S.R. 49 - By Brown: In memory of Margie "Peggie" Oliver Block of Fulton.

CONGRATULATORY RESOLUTIONS

S.R. 45 - By Lucio: Recognizing Virginia Bryan Cowen on the occasion of her retirement from her post as a teacher at Texas Southmost College.

S.R. 47 - By Ellis: Recognizing Dabney Kennedy of Houston on the occasion of his retirement as Section Advisor with the Boy Scouts of America.

S.R. 48 - By Harris of Tarrant, Moncrief: Recognizing Harris Methodist Springwood on the occasion of the dedication of its new Psychiatric and Addiction Unit in Bedford.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:21 a.m. adjourned until 10:00 a.m. today.

EIGHTH DAY

(Wednesday, July 24, 1991)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Jim Cloninger, Hyde Park United Methodist Church, Austin, offered the invocation as follows: